

CAUSE NO. F07-50318-M

THE STATE OF TEXAS * IN THE DISTRICT COURT
vs. * 194TH JUDICIAL DISTRICT
WESLEY LYNN RUIZ * DALLAS COUNTY, TEXAS

REPORTER'S RECORD

VOIR DIRE EXAMINATION

Volume 7 of 59 Volume(s)

BE IT REMEMBERED THAT on this the 16th day of
January, A.D, 2008, the above-styled and -numbered cause(s)
came on for hearing before the HONORABLE ERNEST B. WHITE, III
of the 194th Judicial District Court of Dallas County, State
of Texas, the following is a true and correct transcription of
the proceedings had, to-wit:

(Proceedings Reported by Computerized Machine Shorthand)

Belinda G. Baraka, Official Court Reporter
214-653-5803

A P P E A R A N C E S

HON. ANDY BEACH
Assistant District Attorney
State Bar No. 01944900

HON. ANDREA HANDLEY
Assistant District Attorney
State Bar No. 08898800

FOR THE STATE OF TEXAS

HON. PAUL BRAUCHLE
Attorney at Law
State Bar No. 02918000

HON. WILLIAM "KARO" JOHNSON
Attorney at Law
State Bar No. 10804500

FOR THE DEFENDANT

* * * * *

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PROCEEDINGS

(January 16, 2007)

(Prospective juror entered the courtroom.)

THE COURT: You may be seated.

Good morning, Ms. Carr, the attorneys from both sides may have some questions.

You may proceed, Mr. Beach.

CYNTHIA CARR

was called as a prospective juror, after having been previously sworn by the Court, testified under oath as follows:

VOIR DIRE EXAMINATION**BY MR. BEACH:**

MR. BEACH: Cynthia Carr?

PROSPECTIVE JUROR: Yes, sir.

MR. BEACH: My name is Andy Beach. I am an Assistant District Attorney, along with Andrea Handley and Marshall McCallum.

Karo Johnson and Paul Brauchle are attorneys here in town. They have the responsibility of representing the defendant in this case. He is the man at the end of counsel table, Wesley Ruiz.

We are going to get into how you feel about certain aspects we know are going to come into play, Ms. Carr. I know it has been about six weeks since you came down and

filled out that lengthy questionnaire that you have been reviewing.

First of all, there have been a couple of jurors that have told us since they filled out the questionnaire, their curiosity got the best of them, they went on the internet to try to learn some more about the case. Did you do any that have?

PROSPECTIVE JUROR: No, I haven't.

MR. BEACH: Do you remember anything about the case when you came and filled out the questionnaire?

PROSPECTIVE JUROR: No. I handled it just like any other time I have come in for jury duty. I was really shocked when I got a phone call back, because most of the time I don't.

MR. BEACH: One thing I want to talk to you about, I know Judge White when you were down here with the rest of the 500 or so people, went through the exemptions. And we understand that you have two kids under the age of ten; is that correct?

PROSPECTIVE JUROR: That is correct.

MR. BEACH: And you have the ability to take care of them if you are down here for jury duty?

PROSPECTIVE JUROR: During the day, yes, if ever you needed me after hours, I would have to work out some other circumstances.

6

MR. BEACH: That's what I want to talk to you about. If you were selected to be on this jury, you will be free to go today. We anticipate that the trial is going to start some time the first, middle of April. So about three months from now anticipate the actual trial starting. We think anywhere from a five-to-eight-working-day trial. And normal working hours, you would be down here during the regular part of the trial be just basic business hours 9:00 to 5:00, so that wouldn't be a problem?

PROSPECTIVE JUROR: No, sir.

MR. BEACH: The kicker would be if by chance and a very real possibility in a case like this, it is going to have heavy publicity, that you might end up being sequestered. We don't know that sitting here today. But basically being sequestered mean you would be taken to a hotel with the other 11 jurors, you couldn't go home or talk to any of the outside world, pretty much isolated with the outside world.

Would that be an issue if something like that happened?

PROSPECTIVE JUROR: Maybe.

MR. BEACH: That's why we talk to you-all up front. Because again we can't really predict all the potentiality that may come into play. We have to have 12 people that can fully devote their attention and not have any outside distractions?

PROSPECTIVE JUROR: No, of course. With you

7

predicting it possibly being in April, I could probably work something out with my roommate if something of that nature does take place.

MR. BEACH: So let's assume that you might be put in a hotel for two or three nights or something like that?

PROSPECTIVE JUROR: I would explain to the kiddos mom has got to go on vacation and I will see you when I get back.

MR. BEACH: Very good. They could handle it?

PROSPECTIVE JUROR: Yes.

MR. BEACH: And your roommate would be okay with that?

PROSPECTIVE JUROR: Yeah.

MR. BEACH: I also see that you applied for a dispatch job at Mesquite one time; is that correct?

PROSPECTIVE JUROR: That is correct.

MR. BEACH: How long ago was that?

PROSPECTIVE JUROR: Four or five months ago.

MR. BEACH: Okay. And did not get it; is that correct?

PROSPECTIVE JUROR: Last I heard, I was still in the running.

MR. BEACH: Okay.

PROSPECTIVE JUROR: But with the background checks of everything, it takes a considerable lengthy amount

1 of time. She said it could be anywhere from six months or
2 more before I got a return call.

3 MR. BEACH: And they are probably going to be
4 more concerned than I am going to be if here in the next three
5 months or so if you get a phone call from the police
6 department and you are down there working around police
7 officer everyday and talking about police officer?

8 PROSPECTIVE JUROR: I very much enjoy the
9 current employer I am with, and it would take a lot of
10 convincing for me to leave.

11 MR. BEACH: A couple of things on the
12 questionnaire I want to talk to you about. On page five --
13 and you have your questionnaire in front of you?

14 PROSPECTIVE JUROR: Yes, sir.

15 MR. BEACH: Page five -- excuse me -- down there
16 in those last segment of questions where you are asked to
17 check boxes.

18 PROSPECTIVE JUROR: Okay.

19 MR. BEACH: The second one there says does
20 criminal justice system fairly protects the rights of persons
21 accused of committing crimes you say disagree, you see that
22 there.

23 PROSPECTIVE JUROR: I do see that.

24 MR. BEACH: Tell me what you mean, what came to
25 mind that caused you to check that box disagree?

1 PROSPECTIVE JUROR: Well, I guess in regards to
2 possibly the media and so forth. Because I don't understand
3 the reasoning to have to exploit people's personal lives and
4 so forth in order to achieve a guilty or non-guilty plea. And
5 for some people they think that the media can help sway people
6 in some manner. I look at it as you are also jeopardizing the
7 people that are going for or against the case. And --

8 MR. BEACH: Give me an example, are you talking
9 about Martha Stewart or a little more local case?

10 PROSPECTIVE JUROR: Just in general. If you
11 really want an example. You know, I am going to be honest
12 with you, I haven't been paying much attention to the news
13 lately.

14 MR. BEACH: Me either.

15 PROSPECTIVE JUROR: It is getting depressing.

16 MR. BEACH: Except for Britney Spears -- go
17 ahead.

18 PROSPECTIVE JUROR: Well, let's see, if you want
19 to go with the Martha Stewart thing, I think I remember some
20 bits and pieces of that. The media exploited her in so many
21 different manners -- okay, wait I got a better one, there was
22 a recent court case where three people went to jail for
23 something embezzlement of money or something and, you know,
24 depending on what those's people's personal lives involved,
25 which is none of my business.

10

1 MR. BEACH: Right.

2 PROSPECTIVE JUROR: You could possibly be
3 putting them in some form of harms way if not careful and I
4 don't see the reason for that. That's mainly the media and
5 the press and that nature.

6 MR. BEACH: Versus prosecutor and police?

7 PROSPECTIVE JUROR: Yes.

8 MR. BEACH: And you are looking at media how
9 they exploit the situation?

10 PROSPECTIVE JUROR: Yeah. And it makes it very
11 hard for the police department to control that.

12 MR. BEACH: Let's talk about how you feel about
13 the death penalty -- Judge, we have an agreement.

14 Thank you, ma'am.

15 THE COURT: Ms. Carr, you are free to go.
16 (Prospective juror retired from the courtroom.)
17 (Recess taken.)

18 (Prospective juror entered the courtroom.)

19 THE COURT: Good afternoon Mr. Hart.

20 PROSPECTIVE JUROR: Reid.

21 THE COURT: Good afternoon, Mr. Reid?

22 PROSPECTIVE JUROR: Good afternoon.

23 THE COURT: The attorneys have some questions to
24 ask you touching based on your qualifications as a juror.

25 Mr. Beach.

11

1 MR. BEACH: May it please the Court?

2 BRIAN REID
3 was called as a prospective juror, after having been
4 previously sworn by the Court, testified under oath as
5 follows:

6 VOIR DIRE EXAMINATION

7 BY MR. BEACH:

8 Mr. Reid, my name is Andy Beach. I am an Assistant
9 District Attorney. Along with Andrea Handley, Marshall
10 McCallum, we represent the State in the capital murder
11 prosecution.

12 Kevin Brooks is another Assistant District Attorney, he
13 is not in the courtroom right now. He will be responsible
14 once the trial begins in putting on the evidence the State is
15 going to bring in this case.

16 Karo Johnson in the red tie. Paul Brauchle next to him.
17 They have the responsibility of representing the defendant in
18 this case. He is the man at the end of the table. That's
19 Wesley Ruiz.

20 Mr. Reid, we are going to find out how you stand on some
21 issues we know are going to come into play this afternoon. It
22 has been six weeks or so since you filled out this
23 questionnaire. A couple of people have told us that curiosity
24 got the best of them. They got on the internet to see if they
25 could find out something about the case. Did you do anything

1 like that at all?

2 PROSPECTIVE JUROR: No.

3 MR. BEACH: Very good. You indicated on your

4 questionnaire, sir, you do believe the death penalty is

5 appropriate in some murder cases; is that correct?

6 PROSPECTIVE JUROR: Yes.

7 MR. BEACH: And anything about that opinion

8 changed here in the last six weeks?

9 PROSPECTIVE JUROR: I have thought a lot about

10 it, especially after I got the call that I would be coming

11 down here. I don't know how much detail you need -- cause it

12 is a very, it is a pretty deep question.

13 MR. BEACH: Deep question. And unfortunately as

14 you know we can't go into the facts of this case, so we are

15 going to have to talk theoretically?

16 PROSPECTIVE JUROR: Theoretically, I have

17 significant reservations about returning a death -- a verdict

18 of -- would invoke the death penalty. It would have to be

19 extreme circumstances. I think there would have to be no --

20 no remorse on the part of the person who is being accused. It

21 would have to be very clear that that person would have no

22 remorse at all and would probably go do it again if asked. I

23 think there would have to be no possibility of rehabilitation.

24 I am not a psychologist or how they go about determining that.

25 I would rely on expert people to tell me that this person has

1 absolutely no possibility of rehabilitation.

2 MR. BEACH: Yes, sir.

3 PROSPECTIVE JUROR: And it also -- you know the

4 circumstances under which the crime was committed. I mean, it

5 would have to be very heinous and something that the person --

6 you know was almost enjoying doing what he was doing.

7 MR. BEACH: Yes, sir.

8 PROSPECTIVE JUROR: That's -- there are some

9 serious reservations behind that statement. But in some cases

10 when all those things and other things are true, then I could

11 be in a position of saying, yes, I could support that.

12 MR. BEACH: As you know I had been reviewing the

13 questionnaire and what Judge White told you back in December,

14 this case involves -- the allegedly the murder of a police

15 officer in the line of duty. I believe on your questionnaire

16 you indicated that you agreed with the law in the State of

17 Texas, that would be one of those categories, again depending

18 on the facts, that if you believe an individual knowingly,

19 intentionally murdered a police officer, knowing that police

20 officer was in the line of duty, again that could be the type

21 of case where you could return a death penalty if it was

22 appropriate under the facts?

23 PROSPECTIVE JUROR: With those other caveats

24 that I put in there and probably some others I haven't thought

25 about, I could see myself in certain circumstances doing that.

14

1 MR. BEACH: We have an agreement, sir. I

2 appreciate you coming down. I know you put a lot of thought

3 into this, appreciate you coming down. Good luck.

4 PROSPECTIVE JUROR: All right.

5 THE COURT: Thank you, Mr. Reid. You are free

6 to go.

7 (Prospective juror retired from the courtroom.)

8 (Prospective juror entered the courtroom.)

9 THE COURT: You may be seated.

10 Good afternoon, Mr. Hart. How are you?

11 PROSPECTIVE JUROR: Fine.

12 THE COURT: The attorneys may have some

13 questions for you?

14 PROSPECTIVE JUROR: Okay.

15 ROBERT HART

16 was called as a prospective juror, after having been

17 previously sworn by the Court, testified under oath as

18 follows:

19 VOIR DIRE EXAMINATION

20 BY MR. BEACH:

21 Mr. Hart, good afternoon. My name is Andy Beach. Along

22 with Andrea Handley, along with Marshall McCallum here are

23 Assistant District Attorneys, we are going to be representing

24 State of Texas in the jury selection phase. Kevin Brooks is

25 another Assistant District Attorney. Once the trial actually

15

1 starts, he will be responsible for putting the evidence on.

2 Karo Johnson and Paul Brauchle are the attorneys to the

3 table to my left. They have the responsibility to represent

4 the defendant in this case. He is the man at the end of the

5 counsel table, Wesley Ruiz.

6 Mr. Hart you indicated on your questionnaire that you

7 filled out about six weeks ago anyway -- you didn't think you

8 knew anything about the facts of this case from the media; is

9 that correct?

10 PROSPECTIVE JUROR: Correct.

11 MR. BEACH: Nothing rang a bell when Judge White

12 was talking to you about the case?

13 PROSPECTIVE JUROR: No.

14 MR. BEACH: A couple of jurors have told us

15 since they left in December, curiosity got the best of them

16 and got on the internet and tried to find out some more about

17 the case. Have you done anything about that?

18 PROSPECTIVE JUROR: Yes, I have. When I left

19 here that day, I went to work, got on the internet and just

20 searched.

21 MR. BEACH: Google search?

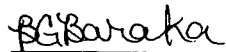
22 PROSPECTIVE JUROR: Right.

23 MR. BEACH: Obviously that doesn't automatically

24 disqualify you, but from what you saw during your internet

25 activity, that led you to form in your mind an opinion one way

1 or the other as to the guilt or innocence of the defendant, we
2 would need to know that?
3 PROSPECTIVE JUROR: Okay.
4 MR. BEACH: When you looked at the internet
5 articles, did that cause you to form an opinion one way or the
6 other at this time as to how this case should be resolved?
7 PROSPECTIVE JUROR: Yes. I mean the stories
8 that were on the internet were pretty concise.
9 MR. BEACH: Thank you, sir, I appreciate your
10 time.
11 THE COURT: You are free to go.
12 MR. BEACH: Thank you.
13 (Prospective juror retired from the courtroom.)
14 (Court recessed for the day.)
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25

1 THE STATE of TEXAS)
2 COUNTY of DALLAS)
3 I, BELINDA G. BARAKA, Official Court Reporter in and
4 for the 194th Judicial District Court of Dallas County, State
5 of Texas, do hereby certify that the foregoing contains a true
6 and accurate transcription of all portions of evidence and
7 other proceedings requested in writing by counsel for the
8 parties, to be included in this volume of the Reporter's
9 Record, in the above-styled and -numbered cause(s), all of
10 which occurred in open court or in chambers and were reported
11 by me.
12 I further certify that this Reporter's Record of the
13 proceedings truly and correctly reflects the exhibits, if any,
14 admitted by the respective parties.
15 I further certify that the total cost for the
16 preparation of this Reporter's Record was paid by the
17 State/Defense.
18 WITNESS MY OFFICIAL HAND this the 30th day of
19 May, A.D., 2009.
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